

REMARKS

Claims 1-11 are in the application. Claims 1, 3, 4, 10 and 11 have been amended.

At the beginning of page 2 of the DETAILED ACTION the Examiner rejects claims 1-11 as being indefinite. Claim 1 was rejected because of the use of the language "may be moved". Claim 1 has been amended and therein "may be moved" has been replaced with adapted to be moved as suggested by the Examiner. In claims 3 and 4, also have been amended as suggested by the Examiner. In the amended claims, "each of" has been inserted between "identifying" and the "the front".

At the bottom of page 2 of the DETAILED ACTION the Examiner rejects claims 1 and 2 as being unpatentable over Pederson. The Examiner states that Pederson discloses a method of facilitating visualization of a countertop profile. Pederson does not disclose a method of visualizing a countertop profile. Pederson discloses a method of visualizing a modular layout of assembled cabinets. In his method cabinets are shown in 3 dimensions. In his figures 1 and 2 the countertops are shown at best as surfaces on the cabinets. Solid lines are drawn across the top surface of the cabinets to better illustrate the top side edge of each cabinet which in actuality are positioned beneath a continuous countertop. It is observed that in figure 2 a thickness is shown along the top edge of B18 which is suggestive of a countertop but is also noted that the surface designated as the 72" countertop thereon, is broken - the top of the cabinet B18 is broken both between the adjacent cabinet DR18 and

the overhang designated " 72" counter top ".

Pederson's design does not even attempt to designate the design of the counter tops. Counter tops typically comprise one of several designs of rolled front edges (one of which commonly rises above the height of a central straight portion of the counter top and another which is rolled beneath the underside of the counter top to appear more like a solid counter top), a center straight portion which approaches the depth of the cabinet, and one of several designs of back plate. Back plates vary both in height and width as well as radius of curvature both between the straight portion of the counter top as well as along the top interior edge thereof. Pederson's illustrations do not show a counter top profile. His patent is for a method of illustrating furniture arrangements, in plan as in figure 4 and in perspective as in figure 3. The profile of the cabinets is not disclosed. The profile of all cabinets is similar. There would be no benefit to Pederson in disclosing a profile. A profile would not function as well as his perspective cabinet model. Conversely, for purposes of this application, Pederson's approach would not work. An actual scale countertop profile having a reduced in length center portion provides a better tactile impression.

Within the this application profile is used in its ordinary English meaning, "side or sectional elevation". With a countertop, which is distinct from a cabinet, the profile is critical. Neither a plan view or a perspective can as adequately describe variations of the counter top which are in actuality combinations of front edge portions, straight central portions, and rear edge portions or back plates. A perspective which viewed the counter top

from above and to one side would not disclose whether the underside of the front edge were rolled or unfinished. A perspective viewed from below would show no detail of the back plate. Even a perspective viewed from above could not clearly show the radiiuses of curvature or thicknesses of the back plate.

What the applicant's method does that Pederson's method totally lacks is to give an individual a feel for the counter top. It is believed that the individual can gain a better "feel for" the shape of the front edge and the actual relative height and thickness of the back plate by tactiley holding and feeling an unscaled model of the counter top than is possible by looking at a picture. To further differentiate the applicant's method from that disclosed by Pederson claim 1 has been amended so that it now reads, A method of facilitating a tactile impression, visualization, and specification of a countertop. Pederson's method does not in any way provide a tactile impression. But it also does not attempt to or even provide details of specific counter tops. The generic counter top which Pederson suggests does not include, nor attempt to illustrate the critical details which differentiate one counter top from another - the rolled front edge, and the design of the back plate.

Claim 1 has also been amended to emphasize that the model is of countertops. Use of the model allows a user to select varying front portions and rear portions along with a straight central portion. In this manner the the user can see the combined effect and appearance of the pieces he is selected in combination. And after he has done that he can vary the countertop by changing front and/ or rear portions to be better able to visualize what

say differing rear portions look like with the front portion which he believes he prefers. Pederson does not provide an interactive models of kithchen cabinets which a user may vary to visualize different combinations. The model disclosed heein may be used by multiple users to disclose every possible combination available for a countertop in each of those user's kitchens.

The Examiner concludes that while a second portion is not disclosed that such a configuration would be obvious given that the purpose of Pederson is to different configuration modules to simulate a living space such as a kitchen. As above it is specifically noted that Pederson did not disclose details of the counter top and even goes out of his way to distort the counter top (by breaking it into cabinet sized modules) to better illustrate the cabinet modules.

Claim 2 of the application also has been amended. It has been amended for clarification generally as well as to differentiate it from Pederson. Claim 2 now states, "the countertop profile is generally L shaped, the central portion of the countertop profile is truncated in length, and has a full scale front edge portion and a full scale rear upper edge portion." In claim 2 it is noted that the profile is generally L shaped and has a central portion which is truncated in length. The front edge portion and rear edge portion are actual pieces of counter top and they are accordingly the same size as those in the actual counter top. For convenience and compactness the central straight portion (which approaches 24" in length) has been reduced in length. It is noted that Pederson's model is neither actual size in

critical portions, nor reduced substantially in other portions.

The Examiner states that the use of a single alphanumeric indicator for each portion of the counter top is unique. It is respectfully suggested that the use of a counter top profile to facilitate a tactile impression, visualization, and specification of the countertop is entirely different than what is done by Pederson who utilizes different miniature cabinet units, fabricated from paper, and assembled in a row to suggest the perspective view of a kitchen with the cabinets assembled therein. Accordingly, it is respectfully submitted that all claims should be allowed.

As this response is timely submitted no fees are enclosed.

A handwritten signature in black ink, appearing to read "G.F. Gallinger".

Glen F. Gallinger
Registration No. 34,168
7420 Milner Dr.
Colorado Springs, CO 80920
(719) 599-9995